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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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TM31/0824

EXAMINER

HA, L

ART UNIT	PAPER NUMBER
2131	13

DATE MAILED: 08/24/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary	Application No.	Applicant(s)
	09/138,459	ROSEN, SHOLOM S.
Examiner	Art Unit	
LEYNNA T. HA	2131	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 12-18 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 12-18 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) Notice of References Cited (PTO-892)
- 16) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 18) Interview Summary (PTO-413) Paper No(s) _____.
- 19) Notice of Informal Patent Application (PTO-152)
- 20) Other: _____.

DETAILED ACTION

Claims 1-15, 17, and 18 have been re-examined.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claims 13 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
2. The terms " an electronic physical object ticket " in claim 12 is a relative term, which renders the claim indefinite. The term " an electronic physical object ticket " is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

Examiner finds the terms "an electronic physical object ticket" incomprehensible due to the fact on page 11, lines 19-21 indicates the transaction is done "at electronic speeds with no paper". Examiner asserts "physical" is considered to be a hard copy. For purposes of applying art, examiner assumes an electrical physical object ticket is an electronic ticket.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 12,13,16,17, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bray in view of Official Notice and Elsner.

4. **As per claim 12 and 17:**

Bray discloses in his article: "Natwest, Midland to Start 'Smart' Card For Small Payments—Banking Will Become Possible For Multiple Currencies Without Handling Cash", the product, Mondex, is a card (i.e. an electronic transaction apparatus) equipped with a microchip (i.e. a host processor) that electronically debits funds in place of cash (see page 1 of 3). Bray also discloses that the electronic transactions will be from the card to the point of sale terminal the card have the ability to store details of past transactions (see page 2 of 3).

No specific definition of an electronic transaction apparatus is found in the specification. Therefore, the examiner gives the phrase, electronic transaction apparatus, and its broadest reasonable interpretation. Electronic transaction apparatus is assumed to be any electronic apparatus that relates to, is involved in or performs transactions. In Claim 12, applicant requires the first electronic transaction apparatus to include a host processor as well as first and second electronic units. As discussed above, Bray includes a card (i.e. an electronic transaction apparatus) which includes microchip (i.e. a host processor). Bray also includes a point of sale terminal to which the card transfers payment (page 1 of 3, 2nd paragraph). A point of sale terminal is an electronic apparatus used in transaction between the buyer and the seller, and thus constitutes an additional electronic transaction apparatus.

Bray discloses recording of details of transactions. However, the reference is silent on the information included in these details. Use of checkbook registers to manually save a record of purchase transactions is well known and the examiner takes Official Notice of such. In these instances, the buyer (i.e. the checkbook owner) would record amounts, dates, and payees of transactions paid by check. This register allowed the buyer to have a record for various reasons

(i.e. in case of disputes, to monitor output of funds from an account, to prevent overdrafts, etc.) The examiner asserts that it would have been obvious to the person of ordinary skill in the art to include transfer date and amount occurred as part of the details maintained. Motivation to do so would be for safe record keeping and further protection for the buyer in order to provide the same such advantage obtained with a manual transaction log (the check register).

Bray also fails to disclose the receipts. Examiner takes Official Notice of receipts are given after a transaction has completed. It is well known receipts are given after a transaction has occurred for proof of purchase. Prior art also discloses use of electronic receipts as confirmation of funds received (see Elsner USPN 5,224,164 – col.16, line 31- col.17, line 3). In this section, Elsner, disclose transmission of encoded text to a receiver and transmission of an encoded confirm text from the sender to the receiver. In addition, Elsner disclose the use of his system for electronic bank and payment service (see abstract) and as a substitute for cash (see lines col.2, 40-44). Thus, it is clear the text submitted would be electronic cash and the confirmation text, a receipt of electronic cash. Examiner asserts that one of ordinary skill in the art would have been motivated make use of electronic receipt as oppose to paper. Electronic receipts would have been one of the added conveniences of a smart card that is advantageous to the buyer to have a paperless receipt and less worries of lost or misplaced receipts for proof of purchase.

As per claims 13 and 18:

Examiner is applying definition to disclosures in Bray, the electronic ticket. Examiner asserts the electronic ticket is in the form of the electronic receipt. Refer to claim 12 (last paragraph) for further details.

As per claims 14 and 15:

Bray fails to disclose the accounts payable system and purchase order system with the smart card. Examiner is taking Official notice the use of accounts payable system and purchase order system are for tracking all the transactions occurring on the smart card. The smart card could be given to the buyer/employee by their company for corporate use only. Thus, the motivation to include accounts payable system and purchase order system are for the company issuing the card to the employee to have some kind of tracking scheme for all the transactions, balances, and what have been purchased.

As per claims 16:

The applicant defines the term "trusted agent" on page 1 of the specification. Examiner is interpreting the term "money module" as a unit in where the electronic cash is stored. Applying definition to disclosures in Bray where Bray fails to disclose a money module and a trusted agent. The means in Bray that stores electronic money meets the definition of money module. Passwords and pins are well known means of protection for computer based system. And examiner takes Official Notice of such. The motivation for use of passwords and pins would have been for protecting the electronic cash stored in the card.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LEYNNA T. HA whose telephone number is (703) 305-3853. The examiner can normally be reached on Monday-Thursday (6:30AM - 4:30PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hayes Gail can be reached on (703) 305-9711. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-0400 for regular communications and (703) 305-0400 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Conclusion

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